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EXAMINER
BLACKMAN, ROCHELLE ANN J

ART UNIT	PAPER NUMBER
2851	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No. 09/767,828	Applicant(s) EGAWA, AKIRA	
	Examin r Rochelle Blackman	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2003 and 16 April 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,15-18,43,44,57 and 59-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-9,15-18,43,44,57,62 and 63* is/are rejected.

7)☐ Claim(s) *6, 59, and 61* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-9, 15-18, 43, 44, 57, and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Nonaka et al., U.S. Patent No. 5,264,892.

Regarding claims 1, 8, 15, and 43, Nonaka discloses a "camera including a distance-measuring device for measuring individual distances to a plurality of distance-measured regions (see FIGS. 1-12), the distance-measuring device or said camera comprising: a "selection circuit (see 7 of FIG. 1) for selecting at least one first measured distance-value (for example, see l_C of FIG. 7) from individually measure distance-values (l_C, l_{R1}, l_{R2}, l_{L1}, and l_{L2} of FIG. 7) to the plurality of distance-measured regions (see C, R_1, R_2, L_1, and L_2 of FIG. 8), wherein the selection is effected, in response to a determination that a plurality of second measured distance-values of the individually measured distance values (for example, see l_{R1} and l_{L1} of FIG. 7) are not smaller than a predetermined distance value (see l_N of FIG. 7), by excluding the plurality of second measure distance-values (for example, see steps S32: NO, S36: YES, S32A: NO, S36A: YES, and S40: YES)"; a computation circuit for computing an auto-focusing data value in

accordance with at least one first measure distance-value selected by said selection circuit"(see 7 of FIG. 1, col. 5, lines 22-23 and col. 6, lines 28-31); a "driving circuit for driving an image-forming lens in accordance with the auto-focusing data value computed by the computation circuit"(see 6 of FIG. 1); the method steps of "measuring individual distances to a plurality of distance-measured regions by a distance-measuring device" of claim 15 are similarly met by the features and function of the above mentioned elements; and the "computer usable medium for use with a distance-measuring device for measuring individual distances to a plurality of distance-measured regions,...having computer readable program code units embodied therein" including a "first program code unit" and a "second program code unit" of claim 43 is met by CPU 7 in FIG. 1, since the CPU 7 is a controlling circuit uses an algorithm that determines the pay-out amount for focusing of the focusing lens which is explained in the flow charts of FIG. 4 as well as the flow charts of FIGS. 6 and 7 (also see col. 6, lines 28-31).

Regarding claims 2, 9, 16, 44, and 66, Nonaka discloses "wherein said computation circuit or said computing step or the second program code unit sets or includes setting or includes a program code unit for setting the auto-focusing data value to a value equal to a minimum permissible distance value in response to a determination that the computed auto-focusing data value is smaller than the minimum permissible distance value" and "wherein said computation circuit sets the auto-focusing data value to a value equal to a minimum permissible distance value when the computed auto-focusing data value is smaller than the minimum

permissible distance value" (the "minimum permissible distance value" is considered to be l_C and the "computed auto-focusing data value" is considered to be l_N, the "auto-focusing value" is set "equal to" the "minimum permissible distance value", l_C in FIGS. 4 and 7 in steps S2:YES and S3: NO in FIG. 4 and in FIG. 6 in steps S2: YES and S3a: YES).

Regarding claim 3 and 17, Nonaka discloses "wherein said computation circuit or said computing step computes or includes computing the auto-focusing data value from a mean value of the at least one first measured distance-value selected by said selection circuit"(see l_C of FIGS. 4, 6, and 7 – the "mean" value of the "at least one first measured distance-value" would be l_C, since there only needs to be "at least one", divided by 1, which would in turn be l_C itself)

Regarding claim 4 and 18, Nonaka discloses "wherein said computation circuit or said computing step computes or includes computing the auto-focusing data value from a majority of the at least one first measured distance-value selected by said selection circuit"(see l_C of FIGS. 4, 6, and 7 – the "majority" of the "at least one first measured distance-value" would be l_C itself, since there only needs to be "at least one")

Regarding claim 6, Nonaka discloses "wherein the predetermined distance value is obtained from a focal distance of a lens used for auto-focusing"(see col. 6, lines 36-38).

Regarding claim 7, Nonaka discloses "wherein a smallest distance-value serves as the auto-focusing data value when the measured distance-values to the plurality of distance-measured regions are not smaller than the

predetermined distance value and are not selected by the selection circuit"(see where values of l_C, l_{R1} and l_{L1} compared to l_N in steps S2: YES, S32: NO, S32A: NO in FIG. 7)

Regarding claim 57, Nonaka discloses a "distance-measuring device for measuring individual distances to a plurality of distance-measured regions (see FIGS. 1-12), the distance-measuring device comprising: a "selection circuit (see 7 of FIG. 1) for selecting at least one measured distance-value for use in focusing by comparing a first measured distance value (for example, see IC of FIG.7) of a plurality of individually distance-measure values (see l_C, l_L, and l_R of FIG. 7) to a predetermined distance value (see l_N of FIG. 7), wherein if the first measured distance value (l_C) is not smaller than the predetermined distance value (l_N), said selection circuit compares a second measured distance value (see IR1 in FIG. 7) of the plurality of individually measured distance-values (see l_C, l_{R1}, l_{R2}, l_{L1}, and l_{L2} of FIG. 7) to the predetermined distance value (l_N) and excludes the first measured distance value from being selected (for example, see in FIG. 7, steps S2: YES, S3:YES, S32: NO, S36: NO); and a "computation circuit for computing an auto-focusing data value in accordance with the at least one measure distance-value selected by said selection circuit"(see 7 of FIG. 1, col. 5, lines 22-23 and col. 6, lines 28-31), "wherein if the second measured distance-value (l_{R1}) is not smaller than a predetermined distance value (l_N), said selection circuit excludes the second measured distance-value from being selected and selects a third measured distance-value (l_{L1}) of the plurality of

individually measured distance values (for example, see in FIG. 7, steps S2: YES, S3:YES, S32: NO, S36:YES, S32A:NO, S36A:NO).

Regarding claim 62, Nonaka discloses a "distance-measuring device for measuring individual distances to a plurality of distance-measured regions (see FIGS. 1-12), the distance-measuring device comprising: a "selection circuit (see 7 of FIG. 1) which selects, from individually measured distance values to the plurality of distance-measured regions, at least one measured distance-value (see l_C in FIG. 4, 6, and 7) between the shortest distance-value where focusing operation is possible (see l_N in FIGS. 4, 6, and 7) and a predetermined distance-value (for example, see l_F in FIGS. 4, 6, and 7), regardless of the position of the plurality of distance-measured regions (see in FIGS. 4 and 7, steps S2: YES and S3: No and in FIG. 6, steps S2: NO and S3a: Yes)"; and a "computation circuit for computing an auto-focusing data value in accordance with the at least measured distance-value selected by said selection circuit"(see 7 of FIG. 1, col. 5, lines 22-23 and col. 6, lines 28-31).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al., U.S. Patent No. 5,264,892 in view of Muramatsu et al., U.S. Patent No. 5,552,853.

Nonaka disclose the claimed invention as stated above, except a computation circuit that "performs the computation of the auto-focusing data value as the average of the plurality of measured distance-values".

Muramatsu teaches providing a final measured distance value D0 as a mean value of the measured distances e1-e5 found (see FIGS. 4 and 5 and col. 6, lines 6-8).

It would have been obvious to one of ordinary skill in the art at the time the invention made to compute the mean value of the "plurality of measured distances values" of the Nonaka reference as the "auto-focusing data value" in the Nonaka reference as taught by Muramatsu, in order to prevent the focus from deviating greatly relative to an object for which false focusing will occur and also since it is well known in the art to compute auto-focus values as the mean or average value of measured distance values.

Allowable Subject Matter

Claims 6, 59, and 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or suggest the limitation, "wherein the predetermined distance value is obtained from an aperture of a lens used for auto-focusing" of claim 6 in combination with the limitations of claim 1.

The prior art does not teach or suggest the limitation, "an ordering circuit for ordering into a predetermined order the plurality of individually measure distance-values before said selection circuit performs the selection" of claim 59 in combination with the limitations of claim 57.

The prior art does not teach or suggest the limitation, "an ordering circuit for ordering into a predetermined order the individually measured distance-values, wherein said selection circuit performs the selection and exclusion upon the ordered individually measured distance-values in accordance with the predetermined order" of claim 61 in combination with the limitations of claim 1.

Response to Arguments

Applicant's arguments filed April 8, 2003 and April 16, 2003 have been fully considered but they are not persuasive.

Applicant argues, on pgs. 10-11, that Nonaka does not disclose the selecting process of claims 1, 8, 15, and 43, the selection circuit of claim 57, and selecting process of claim 62.

It is clear that Nonaka and Marumatsu disclose the invention of claims 1-5, 7-9, 15-18, 43, 44, 57, 62, and 63 from the above stated rejections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (703) 308-2879. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9318 for regular communications and (703) 308-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RB
June 25, 2003

RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
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